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REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Final Office Action dated July 11, 2006, claims 1-19 are pending in the application. Applicants respectfully request the Examiner to reconsider the rejections.

Claims 1-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zigmond (U.S. Pat. 6,698,020). Applicants respectfully traverse.

Claim 1 recites "a sensor generating a using message indicative of a subscriber using the broadcast programming wherein said processor accesses said stored audio and/or video messages for display in the place of the broadcast program being currently used by the subscribers in response to the using message".

On page 2 of the Final Office Action, the Examiner points to column 7, lines 25-36 and column 8, lines 29-54 for this sensor. The columns that have been referenced do not appear to teach any specific reference to a sensor. This passage merely recites that targeted advertising is directed to a specific individual viewer but not that the individual viewer is actually watching or using the video. The column 8 reference also describes a trigger based upon a specific time or the like for inserting an advertising into the video stream. The triggering event is described in lines 38-41 as a designated signal encoded in video programming feed 52. Implied triggering is also set forth.

The problem with the Zigmond reference as identified in the present application is that the television may be on but the user is not present. Thus, the targeted advertising will go unnoticed. The present invention solves this problem by providing the sensor that generates a "using message indicative of a subscriber using the broadcast programming". Therefore, applicants respectfully submit that the sensor is

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not taught or suggested in the Zigmond reference. Consequently, claim 1 is believed to be allowable since each and every element is not contained in the Zigmond reference.

Claims 8 recites generating a viewing message indicative of a subscriber viewing the broadcast programming. This is similar to the sensor limitation of claim 1 and, therefore, claim 8 is also believed to be allowed for at least the same reasons set forth above with respect to claim 1. Claim 14 is an independent claim and also recites the same sensor set forth above with respect to claim 1. Applicants, therefore, respectfully submit that claim 14 is also believed to be allowed for at least the same reasons set forth above with respect to claim 1.

The dependent claims are also believed to be allowable for the same reasons set forth above with respect to claim 1.

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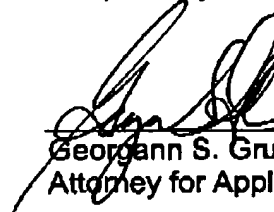
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CONCLUSION

In light of the remarks above, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,


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Dated: August 10, 2006

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